

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEITH CHISOLM

Plaintiff,

- against -

BLYTHDALE CHILDREN'S HOSPITAL, ET AL.,

Defendants.

DISMISSAL
WITH PREJUDICE

16 Civ. 8898 (PED)

PAUL E. DAVISON, U.S.M.J.:

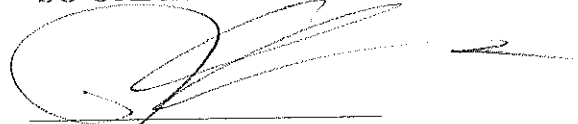
By letter dated February 28, 2019, the parties seek this Court's approval to dismiss, with prejudice pursuant to Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199, 206 (2d Cir. 2015), this action to recover alleged unpaid overtime wages pursuant to the Fair Labor Standards Act ("FLSA") and the New York Labor Law. [Dkt. 26.] As the basis for dismissal, parties report that documents divulged during discovery demonstrate that plaintiff received all the compensation he was entitled to, including overtime compensation. *Id.* Because the parties have agreed to dismiss of this FLSA action in conjunction with a separate, confidential settlement of a related discrimination and retaliation action entitled Chisolm v. Blythedale Children's Hospital, et al., 17 Civ. 3358 (PED), the Court directed the parties to submit their otherwise confidential agreement in the discrimination case to the Court for *in camera* inspection. [Dkt. 27.] By letter dated March 19, 2019, the parties have done so.

Having reviewed *in camera* the settlement agreement in the companion case, the Court is satisfied that there is no evidence of collusion or other impropriety. Under the unique circumstances presented, dismissal of the FLSA claims is fair and reasonable. Accordingly, this

action is **DISMISSED WITH PREJUDICE**.

Dated: March 26, 2019
White Plains, New York

SO ORDERED



Paul E. Davison, U.S.M.J.